

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**AMERICAN FEDERATION OF  
MUSICIANS OF THE UNITED STATES  
AND CANADA,**

*Plaintiff,*

**v.**

**SKODAM FILMS, LLC,**

*Defendant/Non-Party.*

**CIVIL ACTION NO. \_\_\_\_\_**

**PLAINTIFF AMERICAN FEDERATION OF MUSICIANS OF THE UNITED STATES  
AND CANADA’S EXPEDITED MOTION TO COMPEL SKODAM FILMS, LLC TO  
COMPLY WITH PROPERLY SERVED SUBPOENA**

COMES NOW Plaintiff American Federation of Musicians of the United States and Canada (“AFM”) and files this Expedited Motion to Compel Skodam Films, LLC To Comply with Properly Served Subpoena and in support of its Motion states as follows:

1. On October 5, 2015, Plaintiff AFM served a subpoena *duces tecum* on non-party Skodam Films, LLC, in the case styled *American Federation of Musicians v. Paramount Pictures Corporation*, Case No. 2:15-cv-04302-DMG-PJW, in the United States District Court for the Central District of California (the “Litigation”). The Subpoena was served on Skodam Films, LLC’s registered agent in Dallas, Texas (App’x 1); it is not disputed that service of the subpoena was proper. A copy of the Subpoena can be found in the supporting Appendix at pages 2-47.

2. The Litigation involves a claim that Defendant Paramount Pictures Corporation (“Paramount”), an employer signatory to a collective bargaining agreement with AFM (“Agreement”), breached the Agreement when it produced the forthcoming movie *Same Kind of*

*Different as Me* (“*SKODAM*”) in the United States but did not score the movie in the United States or Canada pursuant to the terms of the Agreement.

3. As described more fully in the Memorandum of Law filed contemporaneously with this Motion, Paramount’s primary defense to this claim is that it is not responsible for the fact that *SKODAM* was not scored in accordance with the Agreement because it did not produce *SKODAM* and that a recently created company known as Skodam Films, LLC (“Skodam Films”) was the only producer of the movie. To test this non-producer defense, AFM served the aforementioned Subpoena on Skodam Films for documents relating to the production of *SKODAM*; Skodam Films’ organizational structure; and the relationship between Skodam Films, Paramount, and certain other entities and individuals involved in the production of *SKODAM*.

4. A copy of AFM’s Complaint and Paramount’s Answer in the Litigation can be found in the supporting Appendix at pages 48-63.

5. On October 22, 2014, Skodam Films served objections to the Subpoena, which can be found in the supporting Appendix at pages 97-98.

6. Upon receiving Skodam Films’ objections, AFM attempted to resolve the objections cooperatively and offered substantial extensions of time for Skodam Films to comply with the Subpoena. AFM’s offers were not accepted. The correspondence between the parties can be found in the supporting Appendix at pages 82-84, 93-107.

7. Pursuant to Fed. R. Civ. P. 45(d)(2)(B)(i), AFM hereby moves the Court, the district where compliance with the Subpoena is required, for an order compelling production of all requested documents.

8. The basis for this Motion is set forth in the Memorandum of Law in Support of Plaintiff’s Motion To Compel filed contemporaneously herewith.

9. AFM also respectfully respects that this Motion be expedited. Pursuant to the scheduling order in the Litigation, which can be found in the supporting Appendix at page 81, all fact discovery must be completed by March 8, 2016. Given this approaching deadline and the fundamental nature of the discovery sought from Skodam Films, expedition of the Motion is necessary—particularly considering that the requested documents are highly likely to be pertinent to the depositions of both party and third-party witnesses and that those depositions will have to begin expeditiously. Consequently, the AFM respectfully requests that the Court order Skodam Films to file any response brief to this Motion on or before November 23, 2015 and that the AFM file any reply brief in further support of this Motion on or before November 30, 2015.

WHEREFORE, Plaintiff AFM respectfully requests that the Court expedite this Motion under the schedule set forth in Paragraph 9 above, grant AFM's Motion To Compel Skodam Films, LLC To Comply with Properly Served Subpoena by 5:00 p.m. on December 7, 2015, award AFM its attorneys' fees incurred in making this motion, and allow AFM such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Hal Gillespie

Hal K. Gillespie  
Texas Bar No. 07925500  
hkg@gillespiesanford.com  
Joseph H. Gillespie  
Texas Bar No. 24036636  
joe@gillespiesanford.com  
Gillespie Sanford LLP  
4925 Greenville Ave., Suite 200  
Dallas, TX 75206  
Telephone: (214) 800-5113  
Facsimile: (214) 838-0001  
hkg@gillespiesanford.com

Robert Alexander (*pro hac vice motion to be filed*)  
Philip C. Andonian (*pro hac vice motion to be filed*)  
Bredhoff & Kaiser, P.L.L.C.  
805 15th Street N.W., Suite 1000  
Washington, DC 20005  
Telephone: (202) 842-2600  
Facsimile: (202) 842-1888  
pandonian@bredhoff.com

*Counsel for Plaintiff American Federation of  
Musicians of the U.S. and Canada*

**CERTIFICATE OF CONFERENCE**

I certify that, on October 26, 2015, counsel for AFM, Philip C. Andonian, held a telephonic conference with counsel for SKODAM Films, LLC, Lauren Lawhorn and Steve Carmody. Counsel was unable to resolve the issues addressed in this motion. Consequently, the motion is OPPOSED.

/s/ Hal Gillespie

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2015, the foregoing document was duly served in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure, by both U.S.P.S. Priority Mail and electronic mail, to the following recipients:

Lauren O. Lawhorn, Esq.  
Brunini, Grantham, Grower & Hewes, PLLC  
The Pinnacle Building, Suite 100  
190 East Capitol Street  
Jackson, MS 39201  
llawhorn@brunini.com  
*Counsel for Skodam Films, LLC*

Adam Levin, Esq.  
Justine Lazarus, Esq.  
Mitchell Silberberg & Knupp LLP  
11377 West Olympic Boulevard  
Los Angeles, CA 90064-1683  
axl@msk.com  
*Counsel for Defendant Paramount Pictures Corp.*

/s/ Joseph H. Gillespie